

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 UNITED STATES OF AMERICA, )  
 )  
8 Plaintiff, ) Case No. CR02-16 JCC  
 )  
9 v. ) **PROPOSED FINDINGS OF**  
 ) **FACT AND DETERMINATION**  
10 STEPHEN MICHAEL IRISH, ) **AS TO ALLEGED**  
 ) **VIOLATIONS OF**  
11 Defendant. ) **SUPERVISED RELEASE**  
 )  
12

13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on June 22,  
15 2009. The defendant appeared pursuant to a warrant issued in this case. The United States was  
16 represented by Michael Scoville, and defendant was represented by Kristine Costello. Also  
17 present was U.S. Probation Officer Michael Larson. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR ACTION

19 Defendant was sentenced on August 16, 2002 by the Honorable John C. Coughenour for  
20 Bank Fraud. He received 21 months imprisonment and 5 years of supervised release.

21 On October 31, 2003, defendant was released from custody to begin his term of supervised  
22 release. Since his placement on supervision, the probation office has filed four violation reports  
23 including one no action report, two consented modifications, and one summons request. The

PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO VIOLATIONS OF  
SUPERVISED RELEASE -1

1 conduct detailed in these reports involved new law violations, prescription drug abuse, alcohol  
2 use, and failing to pay restitution. In response to defendant's conduct, he has been reprimanded,  
3 referred for services, and twice placed on home confinement. On December 5, 2008, defendant's  
4 term of supervised release was revoked and he was sentenced to one day custody to be followed  
5 by six months of supervised release. As of May 14, 2009, defendant's full-term expiration date  
6 was scheduled for June 4, 2009.

7 PRESENTLY ALLEGED VIOLATIONS AND  
8 DEFENDANT'S ADMISSION OF THE VIOLATION

9 In a petition dated May 14, 2009, U.S. Probation Officer Michael Larson alleged that  
10 defendant violated the following conditions of supervised release:

- 11 1. Committing the crime of forgery on or about December 11, 2008 in violation of the  
12 mandatory condition requiring he not commit another federal, state, or local crime.
- 13 2. Failing to pay restitution for the months of January, February, and March 2009, in  
14 violation of the special condition requiring he pay restitution as directed by the probation office.
- 15 3. Failing to follow the instructions of the probation officer since January 6, 2009, in  
16 violation of standard condition number three.
- 17 4. Failing to report to the probation office for drug testing on January 23, January 26,  
18 January 27, and January 29, 2009, in violation of the special condition requiring he participate as  
19 instructed by the probation officer in a program approved by the probation office for treatment of  
20 narcotic addiction, drug dependency, or substance abuse, which may include testing to determine  
21 if the defendant has reverted to the use of drugs or alcohol.
- 22 5. Using Oxycodone without a valid prescription on or before January 30, 2009, in  
23 violation of standard condition number seven.

6. Using Morphine without a valid prescription on or before February 19, 2009, in violation of standard condition number seven.

7. Using Oxycodone without a valid prescription on or before April 22, 2009, in violation of standard condition number seven.

8. Using Hydrocodone and Hydromorphone without a valid prescription on or before April 28, 2009, in violation of standard condition number seven.

The government dismissed violation 1. Defendant admitted to violations 2 through 8, waived any hearing as to whether they occurred, and was informed the matter would be set for a disposition hearing July 2, 2009 at 9:00 a.m. before District Judge John C. Coughenour.

## RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that defendant has violated the conditions of his supervised release as alleged above, and conduct a disposition hearing.

DATED this 22nd day of June, 2009.

137

BRIAN A. TSUCHIDA  
United States Magistrate Judge